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7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
9 **OAKLAND DIVISION**

10 OSCAR HERNANDEZ and LAUREN)
11 CARTER, individually and on behalf of a)
12 class of similarly situated individuals,)

12 Plaintiffs,)

13 v.)

14 PATH, INC., a Delaware Corporation,)
15)

16 Defendant.)

) Case No. 12-CV-1515-YGR
) **CLASS ACTION**
) **PLAINTIFFS OSCAR HERNANDEZ AND**
) **LAUREN CARTER'S STATEMENT OF NON-**
) **OPPOSITION TO APPLE INC.'S**
) **ADMINISTRATIVE MOTION TO CONSIDER**
) **WHETHER TRANSFERRED *OPPERMAN***
) **CASE SHOULD BE RELATED**
) Dept.: Oakland Courthouse
) Judge: Hon. Yvonne Gonzalez Rogers
) Action Filed: March 26, 2012

18 MARIA PIROZZI, individually and on)
19 behalf of a class of similarly situated)
20 individuals,)

21 Plaintiffs,)

22 v.)

23 APPLE INC.,)
24)

25 Defendant.)

) Case No. 12-CV-1529-YGR
) **CLASS ACTION**
) **PLAINTIFFS OSCAR HERNANDEZ AND**
) **LAUREN CARTER'S STATEMENT OF NON-**
) **OPPOSITION TO APPLE INC.'S**
) **ADMINISTRATIVE MOTION TO CONSIDER**
) **WHETHER TRANSFERRED *OPPERMAN***
) **CASE SHOULD BE RELATED**
) Dept.: Oakland Courthouse
) Judge: Hon. Yvonne Gonzalez Rogers
) Action Filed: March 27, 2012

27 [additional caption on next page]
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

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4 MARC OPPERMAN, et al., individually) Case No. 13-CV-0453-JST
5 and on behalf of a class of similarly)
6 situated individuals,) **CLASS ACTION**
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8) **PLAINTIFFS OSCAR HERNANDEZ AND**
9 v.) **LAUREN CARTER'S STATEMENT OF NON-**
10 PATH, INC., a Delaware Corporation,) **OPPOSITION TO APPLE INC.'S**
11) **ADMINISTRATIVE MOTION TO CONSIDER**
12) **WHETHER TRANSFERRED *OPPERMAN***
13) **CASE SHOULD BE RELATED**
14)
15) Dept.: San Francisco Courthouse
16) Judge: Hon. Jon S. Tigar
17) Action Filed: January 31, 2013
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1 On February 13, 2013, Apple, Inc. filed an administrative motion to relate *Hernandez v.*
2 *Path, Inc.*, No. 12-cv-1515-YGR (N.D. Cal.) to the action entitled *Opperman v. Path, Inc.*, No.
3 4:13-cv-00453-DMR (N.D. Cal.) (Dkt. No. 52). On April 8, 2013, Judge Yvonne Gonzalez
4 Rogers entered an Order of Referral to Determine Whether Cases Are Related (Dkt. No. 63).
5 Plaintiffs Oscar Hernandez and Lauren Carter, individually and on behalf of a class of similarly
6 situated individuals (“Plaintiffs”), recognize that Path, Inc. (“Defendant”) is a defendant in both
7 *Hernandez* and *Opperman*. Additionally, while Plaintiffs acknowledge that some factual and
8 legal issues as they relate to Defendant are similar in both cases, as Defendant admits, some of
9 the issues in *Hernandez* are not similar to *Opperman*. See Def. Path Inc.’s Response in Support
10 of Apple Inc.’s Mot. to Relate at 2 (Dkt. No. 53) (“*Hernandez* also makes distinct allegations not
11 made in *Opperman* . . .”). However, in light of the language in Civil Local Rule 3-12(a),
12 Plaintiffs hereby notify the Court that they do not oppose relation of the cases.

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14 Dated: April 16, 2013

Respectfully submitted,

STRANGE & CARPENTER

16 By: /s/ Brian R. Strange
17 BRIAN R. STRANGE

18 *Attorneys for Plaintiffs*